United Nations E/C.19/2005/5/Add.2

Economic and Social Council

Distr.: General
21 March 2005

Original: English

Permanent Forum on Indigenous Issues
Fourth session
New York, 16-27 May 2005
Item 3 of the provisional agenda*
Special theme: Millennium Development Goals and indigenous peoples

Information received from Governments

Note by the Secretariat

Addendum**

Finland

Summary

In the present document, the Government of Finland provides updated information on its legislation, the implementation of policy and its engagements in issues relating to indigenous peoples at regional and international levels. The emphasis was placed on the areas of indigenous women, education, culture, health, human rights and economic and social development. The Government of Finland also made suggestions regarding the future work of the Forum.

* E/C.19/2005/1.
** The present document was submitted late to ensure the inclusion of the most recent information.

05-27980 (E) 150405

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I. Indigenous women

Recommendation 14 (a)

1. Finland, as a member of the Arctic Council, has ensured the participation of the Sámi people, including indigenous Sámi women, on a permanent basis, in all phases of its activities. This includes the design of AC projects.

Recommendation 14 (d)

2. The prohibition of discrimination is embodied in numerous human rights treaties ratified by Finland, among others the Convention on the Elimination of All Forms of Discrimination against Women. Finland has regularly reported to the CEDAW Committee about the respective legislative, judicial, administrative and other steps undertaken to implement the provisions of the Convention. The 5th report (submitted to the Committee in October 2003) includes also a chapter on Sámi women. Information on Sámi women has also been included in previous reports. The Committee has not addressed any concerns in its conclusions regarding Sámi women in the 3rd and 4th reports in the 24th session on 21 January 2001.

3. The 2004 Government Report to Parliament on the human rights policy of Finland acknowledges indigenous rights and especially the status of indigenous women and girls and the danger of facing multiple discrimination based on both ethnicity and sex. Also in future will the Finnish Government pay tribute to the special status of indigenous people in their efforts against discrimination. When addressing the report, the Foreign Policy Committee of the Finnish Parliament noted that increased attention should be paid to the Sámi rights and their implementation. The Foreign Policy Committee also drew the attention to multiple discrimination of Sámi women and minorities among the Sámi population, e.g. the Skolt-Sámi (UaVM 12/2004 vp).

Recommendation 14 (f)

4. The Ministry for Foreign Affairs and the Ministry of the Environment are taking part in financing the Arctic Council's projects ensuring the participation of the Sámi People, including indigenous Sámi women.

II. Education

General education

5. Since the beginning of 1999, local authorities and other education providers in the Sámi Home Area have been granted a separate state subsidy for the teaching of and in Sámi language.

6. A new national basic education core curriculum was adopted in January 2004 and education providers and schools could apply it in their curricula from 1 August 2004. The new curricula must be adopted throughout basic education by 1 August 2006. The new core curriculum provides separately for the instruction of different linguistic and ethnic groups, especially the Sámi population. The values underpinning basic education in Finland are human rights, equal opportunity, democracy, the preservation of the diversity and viability of the environment, and the acceptance of multiculturalism. Education must take account of national and local characteristics and

the national languages, the two folk churches, the Sámi as the indigenous people and other national minorities.

7. In keeping with the new core curriculum, the instruction of Sámi pupils must take account that the Sámi are an indigenous people with a language and culture of its own. For some pupils, Sámi (North, Inari or Skolt Sámi) is both mother tongue and the language of instruction, for others it is taught as a foreign language. Sámi pupils are mostly taught in Sámi. Education must support the pupils' cultural identity and give opportunities for them to learn their own language and develop their language proficiency. Basic education must promote the pupils' knowledge of their own culture and history and of Nordic Sámi cooperation and their awareness of the Sámi as a nation and as one of the world's indigenous peoples. The teaching must help the pupils to identify with their national cultural heritage and promote solidarity with Sámi people living in other countries.

8. Under the Basic Education Act, the National Board of Education determines the major principles of home-school cooperation and the principles and aims of pupil welfare. School-home cooperation must be defined in the curriculum in collaboration with the local social and health authorities. The possibility for parents to participate in the planning and evaluation of the school education together with the teachers and pupils promotes interaction between the school and pupils' parents. Parents must be informed about the curriculum, teaching arrangements, pupil welfare services and the possibility to participate in home-school cooperation.

9. The 2005 state budget proposal contains a net appropriation of 18.409 million euros for the operational costs of the National Board of Education. This appropriation can also be used for the development of learning materials and the production of Swedish learning materials and other material of small distribution. The budget provides that 258,000 euros of the appropriation must be allocated to the Sámi Parliament to be allotted by it for the production of Sámi learning materials.

10. The Sámi Parliament has set up an education and learning material committee to plan, produce and distribute learning materials; it is also responsible for Nordic cooperation and for the use of the above mentioned appropriation. The learning material projects are implemented by a full-time learning materials secretary. The learning materials appropriation has been used to produce basic textbooks, supplementary materials and AV materials. The largest learning material groups are mother tongue materials and adapted Sámi translations of Finnish textbooks for year-classes 1-9. Materials have been produced in all the three Sámi languages, but more in North Sámi than in the others.

11. The appropriation was 1.4 million FIM in 2000; 1.5 million FIM in 2001; 253,000 euros in 2002 and in 2003; and 258,000 euros in 2004. In the 2005 budget proposal the appropriation is 258,000 euros.

12. The Finnish Education for All National Action Plan (March 2003) also provides for the Sámi minority's right to education in their own language. The Action Plan is based on the six Goals adopted by the World Education Forum in 2000, which are implemented at the national level. According to the Goals, states must take special account of the education of ethnic minorities. The Education for All process is the foremost tool for implementing the UN Millennium Development Goals relating to education. This means that education must be assigned a cross-sectoral role in the implementation of the Development Goals. The Education for All process includes

flagship programmes for education and awareness-raising concerning HIV/AIDS and health education. The EFA process is coordinated at the international level by UNESCO.

Vocational education and training

13. The Sámi Area Education and Training Centre mainly caters for the needs of the Sámi Home Area, develops Sámi culture and nature-based livelihoods, and promotes the production of learning materials in the Sámi language. The Centre also provides research and other services which relate to or support education and training. The Centre provides initial and further vocational training, education in Sámi language and culture, and general adult education. When needed, it also arranges education and training in other locations.

Comments on the recommendation 19 (a)

14. The Sámi mainly live in a few municipalities in Northern Finland and participate in local decision-making through municipal self-government with other residents.

Comments on the recommendation 19 (b)

15. The number of teachers and other teaching staff with a Sámi background has been increasing. Sámi-speaking class teachers are trained in the Universities of Oulu and Lapland. The situation concerning North Sámi teachers is good; all the teachers are qualified class teachers.

Comments on the recommendation 19 (d)

16. The Sámi have equal opportunities for social participation with the rest of the population.

Comments on the recommendation 19 (e)

17. The Sámi have equal opportunities for education and training with the rest of the population and, for instance, have an adult education centre of their own to provide adult education.

Comments on the recommendation 19 (f)

18. The aims of the core curricula in the Sámi area are identical to those in the rest of the country.

Comments on the recommendation 19 (g)

19. Special attention has been paid to the teaching of and teaching in the Sámi language and to relevant in-service training of teachers.

Comments on the recommendation 19 (h)

20. The core curriculum and the practical implementation of local and school curricula enable the necessary contents to be introduced.

Comments on the recommendation 19 (i)

21. The current legislation provides for instruction in the pupils' native language.

Comments on the recommendation 19 (j)

22. The core curricula contain the aim of multilingualism.

Comments on the recommendation 19 (k)

23. Education and training is also available for the development of the Sámi communities.

24. Finland (Ministry of Education/Division of Sustainable Development) has co-financed "Capacity Building Overview of the Arctic Council with Canada. The Overview summarizes the best practices of capacity-building in Arctic Council's activities. The overview serves as a source-book in future design of the AC projects and cooperative activities.

Comments on the recommendation 19 (l)

25. The Sámi can participate in education and training which equips them to participate in decision-making concerning education and activities relating to education and training provision.

Comments on the recommendation 19 (m)

26. According to the national basic education core curriculum, the acceptance of multiculturalism is one of the values underpinning basic education in Finland. As regards the appreciation of cultures, all the cultures are considered equal.

Comments on the recommendation 19 (n)

27. Human rights, equality and equity are important principles in the core curricula.

Comments on the recommendation 19 (o)

28. Sámi education is supported by all means available: they are provided their own education, in-service training is available for teachers, and language instruction is available.

Comments on the recommendation 19 (p)

29. The opportunities for education and training of the Sámi people are equal with the rest of the population.

Comments on the recommendation 19 (q)

30. The Finnish core curricula provide for the implementation of the recommendation.

Comments on the recommendation 20 (c)

31. The policy aim is equitable public education. The Ministry of Education, together with the Finnish National Commission for Education, the Ministry for Foreign Affairs and the National Board of Education, has drawn up a national Education for All action plan, which looks at the situation in and major development needs of Finnish education from the viewpoint of the six Dakar objectives.

Comments on the recommendation 20 (f)

32. **The Ministry of Education endorses the recommendations of the third session of the United Nations Permanent Forum on Indigenous Issues concerning UNESCO. At the UNESCO General Conference, Finland endorses UNESCO's action on behalf of indigenous peoples. It is very important and must be endorsed that good practices in the education of indigenous peoples become known and are distributed.**

Comments on the recommendation 20 (h)

33. The small Sámi population in Finland does not make it possible to offer higher education specifically geared for them, but the possibilities of regional cooperation should be explored. The long-standing Nordic cooperation provides a good basis for this.

However, the University of the Arctic is open for the Arctic indigenous people regardless of their nationality or location.

Comments on the recommendation 20 (i)

34. The Finnish National Commission for UNESCO has a member versed in the rights of indigenous peoples. The Commission has been active in Nordic UNESCO cooperation, stressing the need to take account of the indigenous peoples in the education, culture, science and communications sectors. Finland made a contribution to the organisation of Knowledge in the Next Generation — Indigenous People Conference in Tromso, Norway, 23-26 August 2004.

III. Culture

General

35. Cultures evolve in international interaction. The traditional objectives of cultural policy are to promote creativity, to strengthen cultural identity, to advance cultural diversity and to facilitate equitable participation. Communities which are aware of and can sustain their own cultural identities are best equipped to ensure the cultural and societal activity of the people operating within these cultures. In Finland, too, waning social commitment and activity is a growing threat. A community with a healthy appreciation of its own culture is more disposed to understand other cultures and people. Thus, the aspiration to strengthen cultural identity in Finland also supports the process towards multiculturalism.

36. Cultural heritage that manifests and expresses itself in a multitude of ways locally, regionally and nationally, and development of this heritage promote tourism. This enables indigenous peoples to develop their cultural industries and cultural exportations in many ways and thereby constitutes an important economic factor.

Comments on the recommendation: 26

37. Finland works within UNESCO, the EU and unofficial intergovernmental cooperation with a view to creating a legally binding framework for national, regional and international policy and action for preserving and enhancing cultural diversity. Finland contributes actively to the preparation of the Convention on the Protection of

the Diversity of Cultural Contents and Artistic Expressions (UNESCO). As part of the preparation of the accession negotiations, Finland organised a discussion event (20 October 2004) to hear the various stakeholders, to which the Sámi Parliament was also invited. The draft convention was sent on a comment round to non-governmental organisations, including Sámi organisations.

Comments on the recommendation: 27

38. The Ministry of Education promotes the preservation of cultural heritage at the national and international levels. The Ministry considers it vital to cherish both material and immaterial cultural heritage at both levels (e.g. the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage).

39. In its objectives, the Ministry of Education takes the cultural needs of the indigenous people more into account within the general systems for supporting culture and the arts and in the operations of cultural institutions. Faced with growing immigration, the Ministry is also taking measures to cater for the cultural needs of immigrants. One of the objectives for the Ministry is to ensure access to varied library and information services, and to varied digital cultural contents also as regards the indigenous people.

Comments on the recommendation: 28

40. The preservation and development of the indigenous culture and the transfer of cultural heritage to the younger generations are an essential part of the activities of Sámi community. The support granted by the Ministry of Education to Sámi culture and Sámi organisations is allocated by the Sámi Parliament. In 2004 this appropriation was 168,000 euros and in 2005 193,000 euros. In addition, the Ministry allocates 12,000 euros to the preservation and maintenance of Sámi hut churches in 2005. Further, the Ministry supports the activities of Sámi artist organisations and the Finnish section of the Sámi Council, which is a joint advisory body of Finnish, Swedish, Norwegian and Russian Sámi organisations.

41. The Ministry of Education continues to support the Sámi youth organisation (Suoma Sáma Nuorat) with a view to promoting voluntary activities of the young Sámi. In addition, the Ministry has allocated separate grants to the Sámi Parliament for the organisation of Sámi Young Art events. These events put into action the right of the young Sámi to cherish and develop their own culture.

Comments on the recommendation: 29

42. In Finland, the Government is not involved in actual sport provision or in the organisation of sports events. The role of the government and local authorities is to create favourable conditions for sports and other physical activity. Sport provision is primarily the task of sport bodies.

43. As regards the implementation of the recommendation in Finland, the Ministry of Education has subsidised the work of the Finnish Sámi Sport Organisation with ordinary state sport organisation support. The Finnish Sámi Sport Organisation has been accepted as a body eligible for the subsidy under the Sport Act. However, in 2005 the Sámi organisation did not apply for the support.

Comments on the recommendation: 30

44. First of all, Finland is of the opinion that it is very important to take measures, both nationally and internationally, to safeguard intangible cultural heritage in its various forms. The main question in this respect is only what the best possible measures to reach this objective are. As to the UNESCO Convention, even though it contains many positive elements, the main feeling amongst the cultural experts and bodies in our country still is that the listing procedures — which are included even in the final version of the convention — will not necessarily bring any special added value to the safeguarding activities. Instead, they form an important, or major, part of the implementation of the convention, requiring both financial and human resources.

45. Having examined the final Convention, adopted by the 32nd General Conference of UNESCO, the Finnish Ministry of Education decided not to begin the process of ratification for the time being. Instead, the Ministry will follow the experiences of those countries which ratify it. The Ministry will also follow the debate on the Convention and on the safeguarding of the intangible cultural heritage in general. In this way, Finland can review the question of ratification at any later point on the basis of information and feedback thus obtained from the relevant cultural bodies in our country.

Comments on the recommendation: 31

46. The mission of some of the subsidised bodies mentioned under 28 is to maintain and promote the Sámi handcraft tradition and the possibilities for these crafts to offer a livelihood to Sámi people. Especially Sámi women work actively in these organisations.

Comments on the recommendation: 36-37

47. Finland works within the World Intellectual Property Organisation WIPO and the EU with a view to updating the international intellectual property conventions and agreements to respond to the demands of contemporary global information society. Finland's aim is to consolidate the right of the indigenous peoples to their intellectual property.

IV. Human rights

General comments on legal provisions and national institutions

48. The rights of indigenous peoples to maintain and develop their own language and culture is protected by the Constitution of Finland (731/1999). Moreover, the Sámi Language Act (1086/2003) protects the Sámi language. Cultural autonomy of the Sámi people alongside with its institutions and organs is protected by laws (974/1995) and (1727/1995).

49. The new Non-discrimination Act (21/2004) entered into force on 1 February 2004, which implemented the Council's directive on equal/non-discriminatory treatment regardless of race and ethnic origin (2000/43/EY) and the directive on equal/non-discriminatory treatment in profession and at work in general (2000/78/EY). The purpose of the act is to enhance and secure the realisation of equality and strengthen the legal protection of individuals or groups who face discrimination. The act prohibits discrimination based on age, ethnic or national origin, nationality, language, religion,

conviction, opinion, health, disability and sexual orientation. Thus the act applies also to members of indigenous peoples.

50. The Non-discrimination Act provides that authorities should establish equality/ non-discrimination programmes to enhance ethnic equality. Besides immigrants, the act also takes into account Finland's traditional national minorities, Sámi and Roma. On 9 September 2004 the Ministry of Labour published recommendations regarding the content of the equality programmes in Finnish, Swedish and Sámi.

51. The Government establishes an advisory board on minority affairs in spring 2005. This board supports the Ombudsperson on Minorities (687/2001) and its duties are:

– make proposals and give statements on the development of monitoring and control of ethnic non-discrimination and the protection of the status and rights of foreigners; and

– develop the cooperation of authorities and organisations to monitor and control non-discrimination as well as prevention of discrimination

Comments on the recommendations 41

52. The citizens' rights are regulated in the Constitution of Finland. Section 6 of the Constitution contains a general equality clause and non-discrimination prohibition, among others regarding the prohibition of discrimination based on sex and a provision on equality. This latter provision stipulates that equality of the sexes is provided in more detail by an Act. The Law of the Equality between Woman and Man (609/1986) was passed in 1986. According to section 22 of the Constitution the public authorities shall guarantee the observance of basic rights and liberties and human rights.

Comments on the recommendation: 42 (a)

53. According to section 17,3 of the Constitution, the Sámi, as an indigenous people, have the right to maintain and develop their own language and culture. Provisions on the right of the Sámi to use the Sámi language before the authorities are laid down by an Act. According to section 22 of the Constitution authorities are obliged to guarantee the realisation of these rights.

54. Section 6 of the Constitution embodies the protection of the right of children to be treated equally and as individuals and they shall be allowed to influence matters pertaining to themselves to a degree corresponding to their level of development.

55. Finland has ratified the Convention on the Rights of the Child and has regularly reported to the Committee on the Rights of the Child. The latest, 3rd report emphasises the rights of indigenous children. The Committee has not addressed any concerns regarding indigenous children in their conclusions. However, the Committee of Ministers of the Council of Europe has recommended on 20 October 2004 that Finland should continue its efforts to develop education in Sámi language above all concerning Inari-Sámi and Skolt-Sámi (examination of the 2nd report of the interim report of the implementation of the European Charter concerning regional and minority languages). The recommendation has been brought to the attention of the authorities.

Comments on the recommendation: 42 (b)

56. Finland regularly includes Sámi as indigenous people in their reports to the Committees of the Treaty Bodies (see also above).

Comments on the recommendation: 42 (c)

57. According to section 21 of the Constitution everyone has the right to have his or her case dealt with appropriately and without undue delay by a legally competent court of law or other authority, as well as to have a decision pertaining to his or her rights or obligations reviewed by a court of law or other independent organ for the administration of justice. Provisions concerning the publicity of proceedings, the right to be heard, the right to receive a reasoned decision and the right of appeal, as well as the other guarantees of a fair trial and good governance are laid down by an Act.

58. The Legal Aid Act (257/2002) stipulates, that legal aid shall be given at the expense of the state to a person who needs expert assistance in a legal matter and who for lack of means cannot self pay the expenses of having the matter dealt with. Legal aid covers the provision of legal advice, the necessary measures and representation before a court of law and another authority, and the waiver of certain expenses of the consideration of the matter, as provided in this Act.

59. According to the State Compensation for Witnesses Act (666/1972) the following costs can be paid out of public funds: the state can be imposed to pay witnesses appearing in court as well as the complainant's, the complainant's legal representative's and their escort's compensations for travel or subsistence expenses and financial losses as enacted in the above mentioned Act.

60. The Sámi Language Act (1086/2003) contains provisions on the right of the Sámi to use their own language before the courts and other public authorities, as well as on the duty of the authorities to enforce and promote the linguistic rights of the Sámi. The goal of this Act is to ensure the right of the Sámi to a fair trial and good administration irrespective of language and to secure the linguistic rights of the Sámi without them needing specifically to refer to these rights.

Comments on the recommendation: 42 (d)

61. The Law of the Equality between Woman and Man (609/1986) promotes equality of the sexes and the status of women especially at work. The law obliges the state, municipalities and other public authorities as employers and protects the rights of the employees that stand in a professional relation with these entities, be it as civil servants, employees with a comparable status or applicants. In state committees, advisory boards and other congruent institutions as well as municipal organs — with the exception of municipal councils whose members are elected in municipal elections — both women and men have to be represented by at least 40% each, if there are no special reasons against this principle. Indigenous women have to be treated equally to other women as stipulated by Constitution.

V. Economic and social development

General

62. The Ministry of the Environment (Division of Sustainable Development, Department of Environmental Protection) has since 1996 had a partnership with the Sámi Parliament Finland while preparing the Sustainable Development Program of the Sámi (Approved 1998). The revision of the SD Program is underway as a cooperative activity between the Ministry of the Environment and the Sámi Parliament (Ms. Siiri Jomppanen being the responsible writer).

Comments on the recommendation: 57 (d)

63. Sámi women have equal opportunities and possibilities for education with the rest of the population.

Comments on the recommendation: 58

64. Finland, as a member of the Arctic Council, has in the development of the Arctic Council's Sustainable Development Action Plan (2004) taken into account the indigenous peoples' needs. Finland is financing the revision of the Sustainable Development Program of the Sámi.

Comments on the recommendation: 59 (a)

65. A reference is made to Paragraph 41 of this Contribution and the general principle of equal treatment and non-discrimination.

66. As far as access to social and economic services is concerned, the right to use the Sámi language before the authorities is laid down by an Act as regulated by section 17,3 of the Constitution. The relevant provisions are incorporated in the Sámi Language Act (1086/2003). Social and health services in Sámi language are promoted in the yearly budget of the State.

67. The efforts to advance the land rights of Sámi people are further continued so that the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries could be ratified. To resolve the issue, further mutual research is conducted by the universities of Oulu and Lapland concerning housing, demography, use of land and ownership of land in northern Lapland, which is expected to be concluded by 31 May 2005. As soon as the research results are available, views of different parties will be sought and the negotiations with the Sámi Parliament will be started.

VI. Health

General

68. Health services are based on tax-financed activities by the municipalities and are available for everyone regardless social or financial status. The Constitution of Finland and the health care legislation ensures that all citizens living in Finland have the right to health care and medical treatment of high quality that is appropriate to individual health conditions. Therefore the responsibility to organise public health care lies with municipalities and their financing is mainly based on state contributions and

municipal tax income. The organisation of health care is prescribed by the Primary Health Care Act (66/1972) and the Act on Specialized Medical Care (1062/1989).

69. The aim of the Government programme is to ensure a needs-based, equal access to municipal services, their high quality and sufficient quantity, while considering reasonable charge and tax burdens. Health services are developed in cooperation between the state and municipalities, taking into account activities by organisations and the private sector. The Target and Action Plan for Social Welfare and Health Care 2004-2007 of the Government includes more precise targets and necessary activities, recommendations and directions for the Government programme. Among others, one of the aims set out in the target and activity programme is that municipalities provide services in Sámi language.

70. Besides the normal state contributions for health services the Parliament has approved in its 2005 budget a special 600,000 euros grant as state assistance to ensure social and health services in Sámi language.

71. The grant can be used as payment of the state assistance through the Sámi Parliament to ensure social and health services in Sámi language in the municipalities of the Sámi Homeland as defined in section 4 of the Act on the Sámi Parliament (974/1995).

72. State assistance should be granted for all costs of social and health care service provided in Sámi languages. The state assistance is administered by the State Provincial Office of Lapland. The administration is prescribed by the Act on Discretionary Government Transfers (688/2001).

73. This financial proceeding is an exception to the general principles of state contributions to municipalities. However, this special state assistance to ensure social and health services in Sámi languages is justified, because it is necessary to maintain and develop the language and culture of the indigenous people of the Sámi as stated in the Constitution.

Social and health services take into account equal opportunities and treatment legislation and non-discrimination principles.

VII. Future work of the Forum

Comments on the recommendation: 112

74. **The recommendation to devise a three-year thematic agenda for the Forum is useful if the objective-setting succeeds in formulating concrete objectives and outlining initiatives on the basis of the current good practices.**